

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD TIMM, an individual; REED
WIMAN, an individual; and PERIPHERY
NEUROPHYSIOLOGY, a foreign limited
liability company,

Plaintiffs,

v.

SEATTLE CHILDREN'S HOSPITAL, a
Washington non-profit corporation;
CHILDREN'S UNIVERSITY MEDICAL
GROUP, a Washington non-profit
Corporation; JEFFREY G. OJEMANN, M.D.,
an individual; SAMUEL BROWD, M.D., an
individual; JONATHAN PERKINS, M.D., an
individual; UW PHYSICIANS, a Washington
non-profit corporation; PETER C.
ESSELMAN, M.D.; and GREGORY
KINNEY, PH.D., an individual,

Defendants.

No. 2:24-cv-01570-BJR

STIPULATION AND ORDER
ENLARGING PAGE LIMITATIONS

STIPULATION

All parties in this case hereby stipulate as follows:

WHEREAS, Plaintiffs filed their Amended Complaint in this action on September 20, 2024
("Complaint");

STIPULATION AND ORDER
ENLARGING PAGE LIMITATIONS - 1

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1 WHEREAS, the Complaint spans 56 pages and consists of 252 paragraphs and asserts
2 seven counts relating to the provision of intra-operative neuro-monitoring (“IONM”) services at a
3 major Seattle hospital. The counts include common law and contract claims as well as state and
4 federal retaliation claims brought under three separate statutory schemes;

5 WHEREAS, the Defendants anticipate filing two motions to dismiss the Complaint on
6 December 11, 2024, per the parties’ stipulation dated October 3, 2024 (Docket No. 10). One of the
7 motions will be on behalf of Defendants Seattle Children’s Hospital (“Seattle Children’s”) and
8 Jeffrey G. Ojemann, M.D (the “Seattle Children’s Motion”). The other motion will be on behalf
9 of the remaining six Defendants (the “UW Defendants”) who are all affiliated in some way with
10 the University of Washington (the “UW Motion”). The Seattle Children’s Motion will address the
11 claims asserted against Seattle Children’s and Dr. Ojemann (Counts I, II, V, VI, and VII), and the
12 UW Motion will address the claims asserted against the UW Defendants (Counts III, IV, V, VI,
13 and VII).

14 WHEREAS, the Complaint incorporates by reference numerous documents, including the
15 contract Plaintiffs claim was breached and correspondence regarding the terms of the contract and
16 contract renewal issues;

17 WHEREAS, Defendants believe that the factual and legal issues presented in this case meet
18 the standard of extraordinary complexity set forth in Section II.A of this Court’s Standing Order
19 For All Civil Cases to warrant this request for enlargements of the page limits for both briefs.
20 Pursuant to Local Civil Rule 7(f), this Stipulation is being filed three days before the briefs are
21 due, and accordingly the current drafts likely will undergo further revisions before filing.
22 Nonetheless, both briefs will be at or under 8,400 words, the limit specified in Local Civil Rule
23 7(e)(3). Defendants represent that the amount of material that needs to be addressed based on the
24 lengthy complaint and documents referenced in it will not allow for briefs of 15 pages or less, the
25 standard limit set forth in this Court’s Standing Order.

WHEREAS, as required by this Court's Standing Order, Section II.F, the parties met and conferred concerning the motions to dismiss on December 5, 2024, and plan to meet and confer again on December 9, 2024. If any agreement is reached the parties will promptly advise the Court, but as noted LCR 7(f) requires that this stipulation be filed by December 6, 2024.

WHEREAS, the requested relief will not affect any current deadlines in the case.

NOW THEREFORE, the parties stipulate and agree that the Seattle Children's Motion and the UW Motion will each be limited to 8,400 words or less. The parties further stipulate and agree that, pursuant to Local Civil Rule 7(f), Plaintiffs will also have up to 8,400 words for their responses to the motions to dismiss, and reply briefs for Seattle Children's/Dr. Ojemann and the UW Defendants will each be limited to one half the length of Plaintiffs' responses to each motion to dismiss. pac

STIPULATED AND AGREED TO this 5th day of December, 2024.

SIMMONS SWEENEY FREIMUND
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ORDER

Having considered the parties' stipulation, and good cause being demonstrated, the Court hereby ORDERS that the Seattle Children's Motion and the UW Defendants' Motion, as defined in the parties' stipulation, will each be limited to 8,400 words or less. Plaintiffs' responses to the motions will also each be limited to 8,400 words or less. Any reply briefs by Defendants will be limited to half the number of words of Plaintiffs' responses.

IT IS SO ORDERED.

Dated this 10th day of December, 2024.



Barbara Jacobs Rothstein
U.S. District Court Judge

1 Presented by:

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